IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4985 of 2007()

CRIME NO.67 OF 2007 OF KANNUR CITY POLICE STATION

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: PETITIONERS/ACCUSED 1,3,4,5,6 & 8

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1. SREELESH M. VIJAYAN,
   S/O.RAMADASAN, AGED 26 YEARS, MANAKKAN HOUSE,
   P.O.AZHIKKODE SOUTH, KANNUR.

2. SREENATH C.A.,
   S/O.SREEDHARAN, AGED 25 YEARS,
   UNIPRAN HOUSE, PO AZHIKKODE SOUTH,
   KANNUR.

3. A.RAJESH,
   S/O.SUMATHI, AGED 36 YEARS, AYATHAN HOUSE,
   P.O.AZHIKODE SOUTH, KANNUR.

4. G.NIVED,
   S/O.GOPALAN, AGED 22 YEARS, NITHYA NIVAS,
   P.O.AZHIKKODE SOUTH, KANNUR.

5. K.K.PRAJITH,
   S/O.SASEENDRAN, AGED 26 YEARS,
   KINATTINKARA HOUSE, P.O.AZHIKKODE SOUTH,
   KANNUR.

6. K.P.SREEJITH,
   S/O.SREEDHARAN, AGED 34 YEARS,
   'SREEPADMAM', P.O. AZHIKKODE SOUTH,
   KANNUR.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (CRIME NO.67 OF
2007 OF KANNUR CITY POLICE STATION).

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No. 4985 of 2007

Dated this the 14th day of August 2007

O R D E R

Application for anticipatory bail. Petitioners are accused Nos.3,4,5,6 and 8. Crime was registered, inter alia under Sections 308 and 324 read with 149 IPC. All the petitioners are named in the FIR. The weapon allegedly used is sword. Political animosity is the alleged motive. The petitioners, who allegedly belong to RSS had attacked the victim who allegedly belongs to CPM. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest. The petitioners moved the learned Sessions Judge for anticipatory bail. Bail was rejected. Co-accused have been arrested and released on bail.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. Allegations under Sec.308 reveal only the political clont of the injured and willingness of the police to oblige them. The said section has been included only to vex and harass the petitioners and in these circumstances anticipatory bail may be granted to the petitioners, submits the learned counsel for the petitioners. The learned Public Prosecutor opposes the application.

The learned Public Prosecutor has read over to me the wound certificate. I shall carefully avoid any detailed discussions on merits about the acceptability of the allegations or the credibility of the data collected. Suffice it to say that on an anxious consideration of all the relevant inputs including the nature and gravity of the allegations, stage of investigation etc., I am not persuaded to grant anticipatory bail to the petitioners at this early stage.

3. This is an eminently fit case where the petitioners must appear before the learned Magistrate or the investigating officer and seek regular bail in the ordinary and normal course.

4. In the result, this petition is dismissed. I may however, hasten to observe that if the petitioners appear before the Investigating Officer or the learned Magistrate and apply for bail,after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007